

## CHECKLIST ENVIRONMENTAL ASSESSMENT

<b>Project Name:</b>	Easement Application for Hartmut Baitis
<b>Proposed Implementation Date:</b>	June, 2012
<b>Proponent:</b>	Hartmut Baitis
<b>Location:</b>	Section 16, Township 6 South – Range 3 West
<b>County:</b>	Madison County, MT

### I. TYPE AND PURPOSE OF ACTION

Proponent has submitted an easement application to construct 1,401.5 feet of new road on state land to access a parcel of deeded land that is not accessible from state highway 287 due to steep terrain and denial from the Montana Department of Transportation from the highway. The easement would encumber 0.964 acres of state land and would be 30 feet wide.

### II. PROJECT DEVELOPMENT

#### 1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

*Provide a brief chronology of the scoping and ongoing involvement for this project.*

Montana DNRC Archeologist, Patrick Rennie  
Madison County Commissioners,  
Madison County Planner  
Madison County Sanitarian  
Dillon Field Office of the BLM  
MT Department of Transportation  
Neighboring Land owners: Mathew Stiles, Addie Stiles, Carmen Axtell, Ron & Betsy Lane, Diamond Cattle Co., John Michael & Lorile Driscoll, Dan & Darcie Stroud

#### 2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

N.A.

#### 3. ALTERNATIVES CONSIDERED:

**Action Alternative:** Grant proponent easement to access his property across state land in Section 16, Township 6 South – Range 3 West in Madison County.

**No Action Alternative:** Deny proponent an easement to access his property across state land in Section 16, Township 6 South – Range 3 West in Madison County.

### III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" If no impacts are identified or the resource is not present.*

#### **4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:**

*Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.*

The NRCS soil survey identifies the soils at this location as Varney Clay Loam. The soils are usually found in alluvial fans, hills and fan terraces. These soils have a land capability classification of 4e. The typical profile is 0 to 5 inches Clay loam, 5-16 inches Gravelly clay loam, 16 to 48 inches, Gravelly sandy clay loam and 48 to 60 inches Stratified gravelly loamy sand to loam. These soils are generally well drained; don't hold moisture on the surface which reduces the amount of erosion activity due to runoff events. The surface is slippery when wet due to the amount of clay in the top portion of the soil. No long term or cumulative impacts are expected from the issuing of an easement.

If this easement is granted the existing portion of road in Herman Gulch will need to have some reconstruction work done to it to prevent any further erosion from occurring. The ruts will need to be bladed out and a few rolling dips will need to be constructed to allow proper drainage of surface runoff. If the easement holder wants to surface a portion of the road with gravel the easement should allow this activity to occur.

Although the Herman Gulch road is not a County Road it is considered a public road and the public uses the road, especially during the hunting season. The state has no budget for road maintenance so damage to the road by the public will not be fixed by the MT DNRC and will be the sole responsibility of the easement holder to the point where the easement ends.

#### **5. WATER QUALITY, QUANTITY AND DISTRIBUTION:**

*Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.*

Herman Gulch road is an existing road that is located in a dry draw near Nevada City. The drainage does not deliver any water to Alder Gulch on a regular basis. In extreme conditions the draw may have some water flow for short periods of time. Issuing the easement would not harm water quality in the Nevada City area. No long term or cumulative effects to water quality are anticipated through the issuing of this easement.

#### **6. AIR QUALITY:**

*What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.*

This project should have little or no impact on air quality in and around Nevada City. The construction and reconstruction of a road will be of short duration and no air quality problems are anticipated. No long term or cumulative effects to ambient air quality standards in the area are anticipated.

#### **7. VEGETATION COVER, QUANTITY AND QUALITY:**

*What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.*

The current vegetation is native bunch grasses and sage brush. An NRIS search didn't reveal any rare plants or cover types identified in this area. Any ground disturbance will require the planting of native grass seed on disturbed areas. No long term or cumulative impacts are anticipated from this proposal.

## **8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:**

*Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.*

An NRIS search of this location didn't identify any threatened or endangered species occurring within the proposal area. The proposal is located near MT Highway 278 and has traffic from the towns of Nevada and Virginia City accessing the transfer station on a gravel road near the proposal. Herman Gulch road receives some traffic during the year and moderate use during the hunting season. The area supports small mammal and bird use, however due to the location of the highway this is not considered prime wildlife or bird habitat. No long term or cumulative impacts to wildlife habitat would occur due to this proposal.

## **9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:**

*Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.*

Although no threatened or endangered species or habitat are identified in the proposal location, the state section does have activity or has the potential for use by the following species; gray wolf, Brewer's sparrow, wolverine, and pygmy rabbit.

**Gray Wolf (Canus Lupus)** Wolves are distributed throughout Southwest Montana. The project would not have any measurable effect on wolf prey or wolves, thus direct, indirect, or cumulative effects are not anticipated.

**Brewer's Sparrow (Spizella breweri)** – Brewer's sparrow is a BLM sensitive species. Per Montana Natural Resource Information Service (NRIS), the species prefers nesting in sagebrush averaging 16 inches in height. The birds could use the area during certain times of the year. The proposed project would not significantly alter the current vegetative community and the proposal should not alter the vegetation permanently or lead to negative cumulative effects on Brewer's sparrow populations in this area.

**Wolverine (Gulo gulo)** – Wolverines are listed as sensitive by both the BLM and USFS. Per Montana Natural Resource Information Service (NRIS) wolverines have been seen within ½ mile of the proposed site. This proposal however, has a small foot print and is located by an existing state highway and homestead which are not considered prime wolverine habitat. Because of this no long term or cumulative impacts to wolverines are anticipated from this proposal.

**Pygmy Rabbit (Brachylagus idahoensis)** Pygmy Rabbit's have been sited within ½ mile north of the proposed project area. The project could affect the rabbits during the construction phase, and may destroy some of the surrounding sagebrush cover during construction. However the foot print will be small, less than an acre of ground will be disturbed. The rabbits are currently not identified as using the location where the proposal is located. The overall impact to the species from this proposal would be minimal. Because of this no long term or cumulative impacts are anticipated.

## **10. HISTORICAL AND ARCHAEOLOGICAL SITES:**

*Identify and determine effects to historical, archaeological or paleontological resources.*

Patrick Rennie MT DNRC Archeologist was contacted about this proposal and the following response about the proposal was received from Patrick; "Because past cultural resource inventory work has occurred near and partially within the area of potential effect for the Hart Baitis easement request, with negative results, I see no cultural resource concerns".

## 11. AESTHETICS:

*Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.*

This easement proposal is requested for access to a parcel of deeded ground that will be used as a site to construct a single family home. This parcel of deeded land currently has a buy / sells agreement on it. The new purchaser (Keith Grover) will purchase the property from Hart Baitis if an easement is secured from the DNRC to access the property. Any new home constructed will be plainly visible from highway 278 which is near the historic town of Nevada City.

Through the MEPA scoping process all neighbors to the state property were contacted about this proposal. I was contacted by a number of the neighbors who received the scoping letter. Matt and Addie Stiles were not opposed to the easement although there hope was that the eventual house that is constructed will fit in to the current architecture of the area. John Michael Driscoll who owns property directly across the highway from Mr. Baitis's property does not support the DNRC granting an easement to the property. Mr. Driscoll feels that it's not in the State's best interest to grant another easement on the state property for there are already many easements and activities occurring on this state section of land. He feels that the DNRC should work out an exchange with Mr. Baitis instead of granting an easement. Mr. Driscoll's comments are attached. Mr. Driscoll believes that the aesthetics of the area will be affected by the granting of this easement.

I checked with Mr. Baitis to discuss a possible land exchange with the DNRC for his property. Mr. Baitis informed me that he is not interested in trading with the state at this time.

## 12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

*Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.*

The list of current easements and Land Use Licenses that have been granted on the section are listed below.

### Easements

D-09362	NORTHWESTERN CORPORATION DBA NORTHWESTERN ENERGY	Non-Exclusive	Overhead Power
Distribution	10/19/1992		
D-10631	NORTHWESTERN CORPORATION DBA NORTHWESTERN ENERGY	Non-Exclusive	Overhead Power
Distribution	04/18/2003		
D-10728	VIRGINIA CITY, CITY OF	Non-Exclusive	Municipal Water/Sewer
D-10818	VIRGINIA CITY, CITY OF	Non-Exclusive	Municipal Water/Sewer
D-10840	TOWN OF VIRGINIA CITY	Non-Exclusive	Overhead Power Distribution
	TOWN OF VIRGINIA CITY	Non-Exclusive	Municipal Water/Sewer
D-02587	DEPT OF TRANSPORTATION	Non-Exclusive	Easement / Right of way
D-03092	NORTHWESTERN CORPORATION DBA NORTHWESTERN ENERGY	Non-Exclusive	Easement / Right of way
	09/14/1949		
D-07934	NORTHWESTERN CORPORATION DBA NORTHWESTERN ENERGY	Non-Exclusive	Easement / Right of way
	01/04/1983		

### Land Use Licenses

License - Industrial	Active	LANE, RON & BETSY	02/28/2012	(performing a perk test)
License - Industrial	Active	LANE, RON & BETSY	10/21/2021	(alternative Drain field license)
License - Developed Recreation	Active	BUFFALO RUNNERS	02/28/2017	(annual Black Powder Shoot)
License - Rural Industrial	Active	MADISON COUNTY SOLID WASTE DEPT	02/28/2019	(Debris Transfer Station)

The section is already encumbered with a number of easements and Land Use Licenses. The current land owner and prospective buyer are aware of the annual Black Powder Shoot that occurs on the section each year. The perspective buyer has signed a release stating that they are aware of the annual event and accept it without reservation.

Mr. Baitis has a recorded easement that he retained when he sold the parcel of property that is currently owned by Dan & Darcie Stroud 151 US Highway 287 S, Cameron, MT 59720 to access the state land in Section 16, T 6 South – Range 3 West.

**13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:**

*List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.*

No other plans or projects were identified during the scoping process for this section however the proponent was approached to grant a reciprocal easement to the state for his easement. This proposal was not pursued due to the fact that the DNRC already has a permanent easement to the section from the state highway.

**IV. IMPACTS ON THE HUMAN POPULATION**

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

**14. HUMAN HEALTH AND SAFETY:**

*Identify any health and safety risks posed by the project.*

There is an active Land Use License for an Annual Black Powder Shoot on the section. The shoot occurs to the north of where this easement is proposed and should not cause a conflict between the two uses. The current owner, Mr. Baitis and the potential owner Mr. Grover are both aware that this license use is occurring annually.

The other safety concern that was considered is access on to Highway 278 from the Herman Gulch road. The sight distances in both directions of Herman Gulch should not present any additional safety risks for people traveling on the highway or entering the highway from Herman Gulch Road.

**15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:**

*Identify how the project would add to or alter these activities.*

The granting of an easement will not affect commercial and agricultural activities or production in the area.

**16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:**

*Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.*

N.A.

**17. LOCAL AND STATE TAX BASE AND TAX REVENUES:**

*Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.*

Changing the current parcel of land that will be accessed from this easement proposal from grazing land to a home site could add additional tax revenue to the county tax base.

**18. DEMAND FOR GOVERNMENT SERVICES:**

*Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services.*

Building a new home may increase the need for additional county government services. (Fire Protection)

**19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:**

*List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.*

There aren't any zoning regulations applicable in this area.

**20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:**

*Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.*

The granting of this proposed easement will not affect recreational activities in the Nevada City area.

**21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:**

*Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.*

By granting the easement there will probably be an additional single family dwelling that is constructed in the area in the near future.

**22. SOCIAL STRUCTURES AND MORES:**

*Identify potential disruption of native or traditional lifestyles or communities.*

The granting of this easement should not alter the traditional lifestyle or communities in the Nevada City area.

**23. CULTURAL UNIQUENESS AND DIVERSITY:**

*How would the action affect any unique quality of the area?*

There currently are a number of existing houses that are scattered along highway 287 near Nevada City and Virginia City. One additional home site should not alter the uniqueness and the diversity of the area.

**24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:**

*Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.*

The granting of this easement would generate approximately \$3,374.00 for the trust.

<b>EA Checklist Prepared By:</b>	<b>Name:</b> Timothy Egan	<b>Date:</b> 5/11/12
	<b>Title:</b> Dillon Unit Manager	

**V. FINDING****25. ALTERNATIVE SELECTED:**

I have selected the Action Alternative, to recommend granting an easement to the applicant for accessing his private land.

**26. SIGNIFICANCE OF POTENTIAL IMPACTS:**

Significant impacts are not anticipated as a result of issuing the easement. Although there is legal access to the applicants property from Highway 287, accessing the property from the state land and the Herman Gulch road is more appropriate, would be a safer exit off Hwy 287 and would require less disturbance than if a road was constructed across the steep terrain. This is near a corridor where other construction activities have taken place and the construction of a road in this location is not expected to create significant additional impact.

**27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:**

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EIS

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More Detailed EA

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No Further Analysis

<b>EA Checklist Approved By:</b>	<b>Name:</b> Garry Williams
	<b>Title:</b> Area Manager, Central Land Office
<b>Signature:</b> 	<b>Date:</b> 5/14/2012

# Hart Baitis Easement Application Map Section 16, Township 6 South - Range 3 West

